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RHMFIS/DEPT OF JUSTICE WASHINGTON DC PRIORITY

C O N F I D E N T I A L BUENOS AIRES 000965

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G/TIP FOR BARBARA FLECK AND KATIE BRASNEHAN
G/IWI PENNY RECHKEMMER
DRL FOR CATHERINE NEWLING
WHA/PPC FOR MIKE PUCCETTI
WHA/BSC FOR DREW BLAKENEY
USDOJ FOR AMY YOUNG
VILNIUS FOR KELLY
GUATEMALA FOR FEATHERSTONE

E.O. 12958: DECL: 03/05/2017

TAGS: ASEC ELAB KCRM PHUM PREL SMIG KWMN PGOV AR
SUBJECT: AMBASSADOR'S MEETS WITH TIP ACTIVIST TRIMARCO AND
UPDATE ON ANTI-TIP BILL

REF: A. BUENOS AIRES 300

1B. BUENOS AIRES 519
1C. BUENOS AIRES 753
1D. BUENOS AIRES 793
1E. BUENOS AIRES 814
1F. BUENOS AIRES 838
1G. BUENOS AIRES 881

Classified By: AMBASSADOR E. ANTHONY WAYNE FOR REASONS 1.4 (B) AND (D)

11. (C) Summary. On May 4, Ambassador Wayne met with Susana Trimarco, an activist fighting against trafficking in persons (TIP) in Argentina and recent State Department International Woman of Courage award winner (REF A). Part of the meeting was filmed by Pablo Milstein, a local award-winning documentary filmmaker, who hopes to make a documentary about Ms. Trimarco's efforts to find her daughter who is believed to have been kidnapped and trafficked for the purposes of sexual exploitation. Ms. Trimarco informed the Ambassador of recent GOA assistance to help establish her anti-TIP foundation. She also gave a status update on the anti-TIP bill currently being considered by the Argentine Congress, asserting that the latest iteration of the draft anti-TIP bill is not sufficiently comprehensive. In a subsequent conversation with Poloff May 15, Trimarco indicated that she would be meeting with Interior Minister Anibal Fernandez to discuss ways to strengthen the Senate version of the anti-TIP bill. (Ambassador had talked with Fernandez and urged that he meet with Trimarco and Congressional Deputies supporting a more comprehensive bill.) Trimarco also asserted that her petition to the Inter-American Commission on Human Rights had been accepted and that the Commission would soon investigate her case. End Summary.

GOA Provides Assistance to Trimarco's anti-TIP Foundation

12. (C) On May 4, Ambassador Wayne met with Susana Trimarco, an activist fighting against trafficking in persons (TIP) in Argentina and recent State Department International Woman of Courage award winner. Trimarco told the Ambassador that she had recently met with Dr. Oscar Parrilli, Secretary General

of the Presidency, who provided expedited assistance and a \$3000 grant to help her obtain juridical status for her anti-TIP foundation, "Maria de los Angeles". She stated that she hopes to begin raising funds for her foundation so that she can continue her work in conducting trafficking investigations, rescuing and assisting victims, with the ultimate aim of finding her daughter, Marita de Veron, who is believed to have been kidnapped and trafficked for the purposes of sexual exploitation. Part of the meeting was filmed by Pablo Milstein, a local award-winning documentary filmmaker, who intends to make a documentary about Ms. Trimarco's efforts to find her daughter and fight human trafficking.

¶3. (C) In a follow-up conversation with poloff on May 15, Ms. Trimarco indicated that the GOA is offering her additional assistance to support her efforts to combat TIP. She claims that Minister of Justice Alberto Iribarne offered to provide her with a grant to cover her monthly salary, transportation and hotel costs once her foundation has been legally established. Dr. Parrilli has also, reportedly, offered to provide bus transportation for mothers of trafficking victims so that they can attend meetings that Trimarco organizes.

IACHR Petition

¶4. (C) Ms. Trimarco also informed poloff that she recently submitted a petition to the Inter-American Commission on Human Rights (IAHCR) explaining her situation. Since then, Trimarco asserted that the IAHCR responded positively to her petition, advising her that her complaint regarding government complicity in human trafficking had been accepted by the Commission and that they would soon investigate her case.

Draft Law--Status Update

¶5. (C) Ms. Trimarco also briefed the Ambassador on May 4 about the status of the draft anti-TIP bill in the Argentine Congress. Trimarco stated that she had recently received a copy of the latest draft bill being considered in the lower house and noted that, at first glance, the bill was not as comprehensive as the one envisioned by Deputy Cordoba. She stated that her team of lawyers would review the draft bill and offered to send the Embassy their analysis of the bill. She also informed the Ambassador of her recent meeting with Eduardo Duhalde, Secretary of Human Rights, who encouraged her to organize a meeting between Senators, Deputies, and mothers whose children are feared to have been trafficked, so that they can offer their ideas on what needs to be in the law. According to Ms. Trimarco, Duhalde promised to attend any meeting that she organized. The Ambassador suggested that Ms. Trimarco consider doing what many U.S. NGOs do: a letter campaign where concerned members of civil society send a letter expressing concerns and outlining their ideas to key legislators. Ms. Trimarco said that this was an excellent idea and said that she would consider such an effort.

¶6. (C) On May 7, Ambassador talked by phone with Interior Minister Fernandez about his trip to Washington, his meeting there on trafficking, and the current status of Argentine anti-TIP legislation. Ambassador urged Fernandez to meet with Trimarco and Congressional Deputies supporting more comprehensive legislation to try to work through differences and get a bill passed soon.

¶7. (C) On May 15, Ms. Trimarco told poloff that she had spoken to Minister of Interior Anibal Fernandez, who asked to meet with her on May 22 to offer suggestions on how to improve the anti-TIP bill that was approved by the Senate. (Note: Although the bill was introduced by Senator Vilma Ibarra, the Minister has informed us that this is his

Ministry's bill and that it enjoys President Kirchner's support.) She stated that Minister Fernandez told her that it would not be politically feasible to create a TIP secretariat within the Office of the Presidency as stipulated

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in Deputy Stella Maris Cordoba's bill since other Ministries, including Social Development, Public Health, Interior, and Justice, could provide victims assistance and organize prevention campaigns. She indicated that she intends to tell Minister Fernandez that the draft law should: a) stipulate the creation of a national plan for prevention and victims' assistance; b) include all aspects of the trafficking chain in its definition of trafficking in persons; c) proscribe stiffer penalties; and d) state that victim's consent is irrelevant. Ms. Trimarco stated that Minister Fernandez would then amend the bill and invited her to speak with the various Congressional Committees in support of the modified Senate bill. Poloff will meet with Ms. Trimarco following the meeting with Minister Fernandez and will report septel.

Comment

¶8. (C) Our sources in the Argentine Congress tell us that the Criminal Legislation Committee has circulated a legal opinion on the draft anti-TIP law that omits key components of the human trafficking chain as defined by the Palermo Protocol (e.g., receipt of victims). Embassy staff contacted Committee staffers to inquire whether the omission was intended, and they assured us that the omission was a mistake and that they would soon recirculate a new legal opinion. We have requested a copy of the new opinion.

¶9. (C) Contrary to what Deputy Cordoba reported to the Ambassador on April 27 (REF E), our sources have also clarified that the Budget Committee and the Family, Woman, Children, and Adolescents Committee did not attend an April 26 meeting that had been convoked by the Criminal Legislation Committee. This means that the bill is now under review by the other two Committees, which will most certainly delay passage. Since then, Deputy Cordoba has circulated a minority opinion that preserves the Palermo Protocol definition in its entirety and maintains that victims' assent is irrelevant. It is unclear why the semantic change from "victim's consent" to "victim's assent" was made and what impact that would have when it comes time to interpret and implement the law should Cordoba's version be passed.

¶10. (C) One contact has indicated that Senator and First Lady Cristina Fernandez de Kirchner has taken a personal interest in passing anti-TIP legislation. Another contact stated that "Kirchner insiders higher than Minister Fernandez" have indicated that the Casa Rosada prefers an anti-TIP bill more in line with Cordoba's version than Fernandez's version. As we get closer to the October elections, it is possible that the Casa Rosada may wait to push for anti-TIP legislation until later in the campaign season in order to get the biggest electoral bang for the buck. Embassy staff will continue to weigh in with key legislators to highlight the importance of passing comprehensive anti-TIP legislation as soon as possible.

¶11. (C) It is important to note that Secretary General of the Presidency Parrilli is Kirchner's point-man for dealing with piqueteros, and it is customary GOA practice to co-opt social movements before they can cause any significant political damage. Still, recent GOA gestures to assist Trimarco in her efforts to establish a foundation and organize other mothers of trafficking victims is a welcome sign of GOA commitment to fight human trafficking. End Comment.

WAYNE